

Application No. 10/674,403
Amendment dated December 22, 2006
Reply to Office Action of September 22, 2006

Docket No.: 0941-0845P

REMARKS

Claims 1-2 and 5-13 remain in this application.

The specification and claim 1 have been amended, and claims 3, 4 and 14-27 have been canceled without prejudice or disclaimer. Reconsideration of the application, as amended, is respectfully requested.

Amendments to the Claims

Independent claim 1 has been amended for clarity, to recite that a first sealing element is disposed between the first upper portion and the first lower portion and a second sealing element is disposed between the second upper portion and the second lower portion, respectively preventing leakage of the multiplex fluid sample from the first target chamber and second target chamber. Support for these amendments can be found in the second paragraph on page 12 of the originally filed specification. Accordingly, it is respectfully submitted that no new matter is present in the foregoing amendments.

Rejection under 35 USC 103

Claims 1-9 and 11-13 stand rejected under 35 USC 103 as being unpatentable over Andrews, U.S. Patent 5,225,163, in view of Burdon et al., U.S. Patent 6,572,830. This rejection is respectfully traversed.

Claim 10 stands rejected under 35 USC 103 as being unpatentable over Andrews in view of Burdon et al. and further in view of Moles, U.S. Patent 6,293,012. This rejection is respectfully traversed.

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Under MPEP 2143, to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Independent claim 1 recites that a first sealing element is disposed between the first upper portion and the first lower portion to prevent leakage of the multiplex fluid sample from the first target chamber and a second sealing element is disposed between the second upper portion and the second lower portion to prevent leakage of the multiplex fluid sample from the second target chamber.

Burdon teaches that the (green-sheet) layers are sintered together. However, Burdon does not explicitly disclose any sealing element disposed between the first upper portion and the first lower portion or between the second upper portion and the second lower portion, as is clearly recited in independent claim 1 of the present application.

Moreover, independent claim 1 recites that the first upper portion is formed on the lower part of the first unit, the first lower portion is formed on the upper part of the second unit and corresponds to the first upper portion to combine the first upper portion to form a first target chamber, the second upper portion is formed on the lower part of the second unit, and the second lower portion is formed on the upper part of the third unit and corresponds to the second upper portion to combine the second upper portion to form a second target chamber. These detailed structural features are not found in either Andrews or Burdon.

Specifically, Andrews only teaches two chambers (33, 38), but does not teach construction or formation of each chamber. Thus, even when Andrews is combined with Burdon, the combination still fails to teach or suggest the apparatus of independent claim 1.

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In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the apparatus of independent claim 1 and its dependent claims. Reconsideration and withdrawal of the 35 USC 103 rejections are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

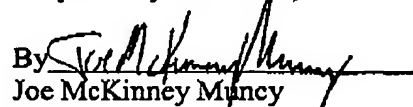
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 22, 2006

Respectfully submitted,

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